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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,877	11/08/2001	Tsuyoshi Kano	7217/65961	7475

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EXAMINER

HOSSAIN, FARZANA E

ART UNIT PAPER NUMBER

2623

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/010,877

Applicant(s)

KANO, TSUYOSHI

Examiner

Farzana E. Hossain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4,5 and 7-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5, 7-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09-29-2006 has been entered.

***Response to Amendment***

2. This office action is in response to communications filed 09/29/06. Claims 1, 5, 8, 11 are amended. Claims 3 and 6 are cancelled. Claims 2, 4, 7, 9, 10, 12 and 13 have been previously presented.

***Response to Arguments***

3. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over McClard (US 6,438,752 and hereafter referred to as "Mcclard") in view of Del Sesto et al (US 6,530,082 and hereafter referred to as "Delsesto").

Regarding Claim 1, Mcclard discloses a broadcast receiver (Figure 3, 38) comprising: a receiving unit for selecting a channel (Figure 3, 60) and for receiving a broadcast (Figure 3, 32, Figure 2, 32); a controller for controlling channel selection by the receiving unit (Figure 3, 50) and for detecting a reception log or viewing behavior information (Column 5, lines 52-65); a storage unit or a memory in which the detected reception log is recorded (Column 5, lines 52-65). Mcclard discloses the controller records a reception as the reception log in the storage unit when the receiving unit continuously receives one of a channel (Column 5, lines 52-65) and a program (Column 5, lines 52-65) for at least a predetermined period (Column 5, lines 52-65) and does not record a reception in the reception log in the storage unit when the receiving unit does not continuously receive a channel and/or a program for at least the predetermined period or only records if the channel remained tuned for a predetermined period (Column 5, lines 52-65). Mcclard is silent on a receiving unit, including a receiver ID, a

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storage unit in which the receiver ID is recorded, and an interface for transmitting the receiver ID and the reception log read from the storage unit to an external computer. Delsesto discloses the a receiving unit, including a receiver ID or terminal identification code (Column 15, lines 31-33), a storage unit or storage device in which the reception log is recorded (Column 13, lines 32-39). It is inherent that the receiver ID is recorded as the ID is transmitted with the response packet and all information is collected and the stored information is prepared for eventual transmission to an external computer (Column 13, lines 32-39, Figure 5, Column 15, lines 26-39). Delsesto disclose an interface for transmitting the receiver ID and the reception log read from the storage unit to an external computer or local data center (Column 15, lines 26-39, Column 13, lines 32-39, Column 9, lines 66-67, Column 10, lines 1-42). Therefore, it would have been obvious at the time the invention was made to modify Mcclard to include a receiving unit, including a receiver ID or terminal identification code (Column 15, lines 31-33), a storage unit or storage device in which the receiver ID is recorded (Column 13, lines 32-39), and transmitting the reception log read from the storage unit to an external computer (Column 10, lines 7-20, Column 13, lines 47-55, Column 13, lines 10-19) as taught by Delsesto in order to accurately monitor of viewer ship and usage (Column 1, lines 28-65) as disclosed by Delsesto.

Regarding Claim 2, Mcclard and Delsesto disclose all the limitations of Claim 1. Delsesto discloses the reception log stored in the storage unit is transmitted to the external computer at a predetermined period or periodically (Column 10, lines 30-32).

Regarding Claim 4, McClard and Delsesto disclose all the limitations of Claim 1. McClard discloses the recording of the channel received by the receiving unit (Column 5, lines 56-62), and program identification and the reception period in the memory or storage unit (Column 5, lines 62-65). Delsesto discloses that the controller or CPU or interactive application records one of the channel received by the receiving unit (Column 13, lines 32-39) and program identification information (Figure 5, Figure 6A, Figure 5B) and reception period information (Column 15, lines 4-25) in the storage unit (Figure 2, 212).

6. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over McClard in view of Delsesto and Sezan et al (US 2005/0091685 and hereafter referred to as "Sezan").

Regarding Claim 5, McClard discloses a broadcast receiver (Figure 3, 38) comprising: a receiving unit for selecting a channel (Figure 3, 60) and for receiving a broadcast (Figure 3, 32, Figure 2, 32); a controller for controlling channel selection by the receiving unit (Figure 3, 50) and for detecting a reception log or viewing behavior information (Column 5, lines 52-65); a storage unit or a memory in which the detected reception log is recorded (Column 5, lines 52-65). McClard discloses the controller records a reception as the reception log in the storage unit when the receiving unit continuously receives one of a channel (Column 5, lines 52-65) and a program (Column 5, lines 52-65) for at least a predetermined period (Column 5, lines 52-65) and does not record a reception in the reception log in the storage unit when the receiving unit does not continuously receive a channel and/or a program for at least the predetermined

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period or only records if the channel remained tuned for a predetermined period (Column 5, lines 52-65). McClard is silent on a receiving unit, including a receiver ID, a mounting section on which a removable storage unit having a computer interface is mounted; wherein by mounting the storage unit on the mounting section the receiver ID and the reception log detected by the controller is recorded in the storage unit; and by mounting the storage unit on an external computer the computer reads the receiver ID and the reception log from the storage unit.

Delsesto discloses the a receiving unit, including a receiver ID or terminal identification code (Column 15, lines 31-33), a storage unit or storage device in which the reception log is recorded (Column 13, lines 32-39). It is inherent that the receiver ID is recorded as the ID is transmitted with the response packet and all information is collected and the stored information is prepared for eventual transmission to an external computer (Column 13, lines 32-39, Figure 5, Column 15, lines 26-39). Sezan discloses a receiving unit, including a user ID or user description ID or device for a family or identification information (Pages 17-18, paragraph 0194), a mounting section on which a removable storage unit or a smart card having a computer interface is mounted (Pages 3-4, paragraph 0045); wherein by mounting the storage unit on the mounting section the user ID and the reception log or user viewing habits detected by the controller is recorded in the storage unit (Pages 3-4, paragraph 0045, Pages 17-18, paragraph 0194); and by mounting the storage unit on an external computer or another television receiver in a hotel room the computer reads the reception log or user description scheme, including user ID, from the storage unit (Pages 3-4, paragraph

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0045, Pages 17-18, paragraph 0194). Therefore, it would have been obvious at the time the invention was made to modify Mcclard to include a receiving unit, including a receiver ID or terminal identification code (Column 15, lines 31-33), a storage unit or storage device in which the receiver ID is recorded (Column 13, lines 32-39) as taught by Delsesto in order to accurately monitor of viewer ship and usage (Column 1, lines 28-65) as disclosed by Delsesto. Therefore, it would have been obvious at the time the invention was made to one of ordinary skill in the art to modify Mcclard to include a mounting section on which a removable storage unit having a computer interface is mounted (Pages 3-4, paragraph 0045); wherein by mounting the storage unit on the mounting section the reception log detected by the controller is recorded in the storage unit including identification information, from the storage unit (Pages 3-4, paragraph 0045, Pages 17-18, paragraph 0194); and by mounting the storage unit on an external computer reads the reception log from the storage unit or user description scheme, including identification information, from the storage unit (Pages 3-4, paragraph 0045, Pages 17-18, paragraph 0194) as taught by Sezan in order to allow user preferences to become portable (Pages 3-4, paragraph 0045) and to have a system which allows personalized viewing of audiovisual information (Page 1, paragraph 0001) and to allow viewers to have his particular viewing preferences regardless of the device used (Page 1, paragraph 0005) as disclosed by Sezan.

Regarding Claim 7, Mcclard, Delsesto and Sezan disclose all the limitations of Claim 5. Mcclard discloses the controller records one of the channels received by the



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receiving unit (Column 5, lines 56-62), and program identification (Column 5, lines 62-65) and the reception period in the memory or storage unit (Column 5, lines 62-65).

7. Claims 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ivanyi (US 6,286,140) in view of Delsesto and McClard.

Regarding Claims 8 and 11, Ivanyi discloses a viewing and listening information computing apparatus (Figure 1, 4, Figure 4) comprising: reception state management means for obtaining a reception log of at least one broadcast receiver (Figure 1, 4, Figure 2, 45, Figure 3, 28-31, Column 7, lines 64-67, Column 8, lines 1-5); a database in which the obtained reception log and program information concerning a broadcast program are recorded (Figure 1, 4, Figure 4, 56, Column 10, lines 1-8, Figure 5, 90); and viewing and listening information management means (Figure 4, 41) for computing viewing and listening information which is information concerning viewing and/or listening based on the reception log and the program information read from the database (Column 9, lines 25-40, lines 66-67, Column 10, lines 1-8, lines 59-65). Ivanyi discloses that the television viewer behavior is monitored for channel being viewed (Column 9, lines 66-67, Column 1-10). Ivanyi is silent on the reception state management means for obtaining a receiver ID, of at least one broadcast receiver, a database in which receiver ID is recorded, viewing and listening management means for computing viewing and listening information based on receiver ID read from the database, predetermined time a channel and/or program is viewed and to not record a

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reception in the reception log in the storage unit when the receiving unit does not continuously receive a channel and/or a program for at least the predetermined period.

Delsesto disclose a reception state management means for obtaining a reception log or response packet and a receiver ID of at least one broadcast receiver (Figure 5, Column 15, lines 26-39, Column 13, lines 32-39, Column 9, lines 66-67, Column 10, lines 1-42), a database in which the reception log and receiver ID are recorded, and viewing and listening management means for computing viewing and listening information which is information concerning viewing and listening based on the reception log or response packet, the receiver ID read from the database (Column 15, lines 26-54). McClard discloses a broadcast receiver (Figure 3, 38) comprising: a reception of at least one broadcast receiver only when the only one broadcast receiver continuously receives one of a channel (Column 5, lines 52-65) and a program (Column 5, lines 52-65) for at least a predetermined period (Column 5, lines 52-65) and does not record a reception in the reception log in the storage unit when the receiving unit does not continuously receive a channel and/or a program for at least the predetermined period or only records if the channel remained tuned for a predetermined period (Column 5, lines 52-65).

Therefore, it would have been obvious at the time the invention was made to modify Ivanyi to include a reception state management means for obtaining a receiver ID of at least one broadcast receiver (Figure 5, Column 15, lines 26-39, Column 13, lines 32-39, Column 9, lines 66-67, Column 10, lines 1-42), a database in which the receiver ID are recorded, and viewing and listening management means for computing

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viewing and listening information which is information concerning viewing and listening based on the receiver ID read from the database (Column 15, lines 26-54) as taught by Delsesto in order to accurately monitor of viewer ship and usage (Column 1, lines 28-65) as disclosed by Delsesto. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ivanyi to include that a reception of at least one broadcast receiver only when the only one broadcast receiver continuously receives one of a channel (Column 5, lines 52-65) and a program (Column 5, lines 52-65) for at least a predetermined period (Column 5, lines 52-65) and does not record a reception in the reception log in the storage unit when the receiving unit does not continuously receive a channel and/or a program for at least the predetermined period or only records if the channel remained tuned for a predetermined period (Column 5, lines 52-65) as taught by Mcclard in order to provide an easier way for users to browse through programs to programs that they find interesting (Column 2, lines 1-7) as disclosed by Mcclard.

Regarding Claims 9 and 12, Ivanyi, Delsesto and Mcclard disclose all the limitations of Claims 8 and 11 respectively. Ivanyi discloses that the reception log includes one of channel received by the broadcast receiver (Column 10, line 1, Column 7, lines 19-20), program identification information or detailed information in reference to a o program or commercial (Column 10, lines 59-65, Column 11, lines 1-12) and reception period information (Column 8, lines 1-25, Column 10, lines 1-8); and the viewing and listening information to be computed includes an audience rating for one of

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a predetermined channel (Column 9, lines 38-40) and program (Column 10, lines 59-64, Column 11, lines 1-12).

Regarding Claims 10 and 13, Ivanyi, Delsesto and McClard disclose all the limitations of Claims 8 and 11 respectively. Ivanyi discloses that the reception log includes one of a channel received by the broadcast receiver (Column 10, line 1, Column 7, lines 19-20) and program identification information or detailed information in reference to a program or commercial (Column 10, lines 59-65, Column 11, lines 1-12) and reception period information (Column 8, lines 1-25, Column 10, lines 1-8); and the viewing and listening information to be computed includes a non-viewing and non-listening rating for one of a predetermined channel or program or the central computer processes polling information for a large group of viewers to obtain statistical information about viewer behavior for demographic and geographic groups, which reads on viewers and non viewers being polled on programs/channels viewed (Column 9, lines 34-40, Column 10, lines 53-67, Column 11, lines 1-24).

### ***Conclusion***


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FEH  
November 15, 2006

  
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